

# Hearing Officer Transmittal Checklist

Hearing Date

05/03/16

Agenda Item No.

3

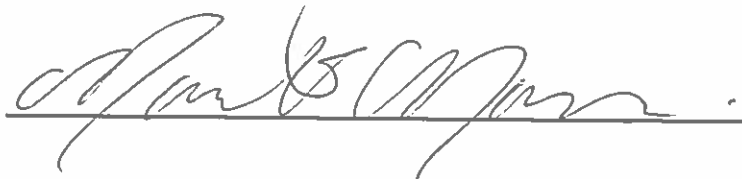
Project Number: R2015-01015-(5)

Case(s): Conditional Use Permit Case No. 201500045

Planner: Michele Bush

- ☒ Project Summary
- ☒ Property Location Map
- ☒ Staff Analysis
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions + Other department letters of recommended conditions
- ☐ Previous CUP Conditions of Approval
- ☒ Burden of Proof Statement(s)
- ☐ Environmental Documentation (ND / MND / EIR)
- ☐ Correspondence
- ☒ Photographs
- ☒ Aerial Image(s)
- ☒ Land Use/Zoning Map
- ☐ Tentative Tract / Parcel Map
- ☒ Site Plan / Floor Plans / Elevations
- ☐ Exhibit Map
- ☐ Landscaping Plans
- ☐ Findings and conditions of Previous permit

Reviewed By:





Department of Regional Planning  
320 West Temple Street  
Los Angeles, California 90012

**PROJECT NUMBER**

R2015-01015-(5)

**HEARING DATE**

05/03/2016

**REQUESTED ENTITLEMENTS**

Conditional Use Permit No. 201500045  
Environmental Assessment No. 201500076

## PROJECT SUMMARY

**OWNER / APPLICANT**

5101 Tyler Avenue, LLC

**MAP/EXHIBIT DATE**

02/27/2015

**PROJECT OVERVIEW**

The project is a request for a Conditional Use Permit to authorize the continued maintenance and operation of an existing 59-bed skilled nursing facility (convalescent hospital). An existing 611 sq. ft. unpermitted, storage shed will be demolished as a part of this project.

**LOCATION**

11135 W. Hondo Parkway, South Monrovia Islands

**ACCESS**

W. Hondo Parkway and Tyler Avenue

**ASSESSORS PARCEL NUMBER(S)**

8574-014-019

**SITE AREA**

1.22 Acres

**GENERAL PLAN / LOCAL PLAN**

Countywide Land Use Plan

**ZONED DISTRICT**

South Arcadia

**LAND USE DESIGNATION**

1 – Low Density Residential (1 to 6 du/ac)

**ZONE**

C-3 (General Commercial) and A-1 (Light Agricultural)

**PROPOSED UNITS**

N/A

**MAX DENSITY/UNITS**

N/A

**COMMUNITY STANDARDS DISTRICT**

N/A

**ENVIRONMENTAL DETERMINATION (CEQA)**

Class 1 Categorical Exemption – Existing Facilities

**KEY ISSUES**

- Consistency with the Los Angeles County General Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
  - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
  - 22.24.110 (A-1 Zone Development Standards)
  - 22.28.220 (C-3 Zone Development Standards)

**CASE PLANNER:**

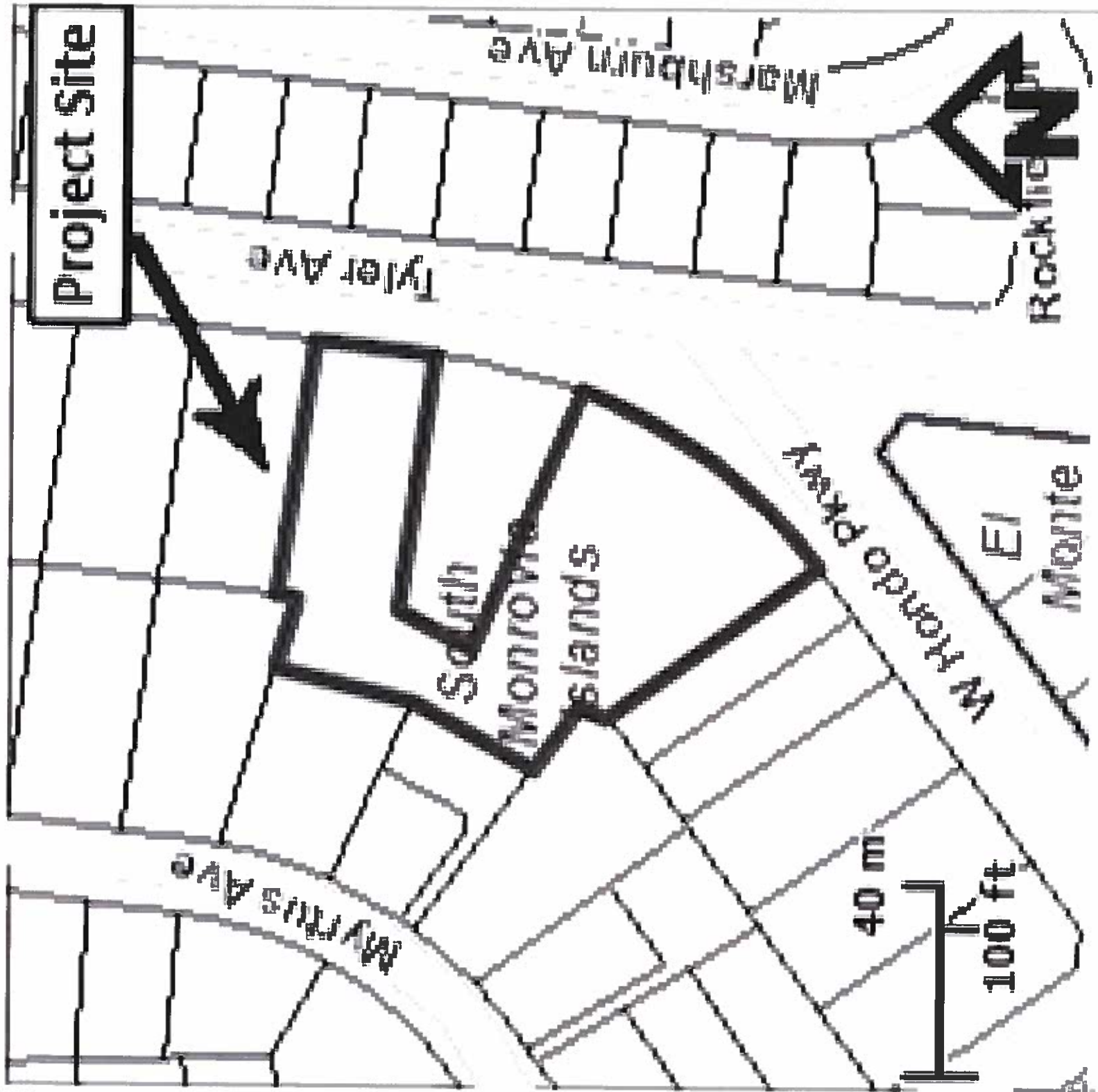
Michele Bush

**PHONE NUMBER:**

(213) 974 - 6435

**E-MAIL ADDRESS:**

mbush@planning.lacounty.gov



**ENTITLEMENTS REQUESTED**

- Conditional Use Permit (CUP) for the continued maintenance and operation of an existing skilled nursing facility (convalescent hospital) in the C-3 (General Commercial), (all structures) and A-1 (Light Agricultural) (parking) Zones pursuant to County Code Section 22.28.210.

**PROJECT DESCRIPTION**

The project is a request to authorize the continued maintenance and operation of an existing 59-bed skilled nursing facility (convalescent hospital). The site plan for the Project depicts the Project Site with the existing 59-bed skilled nursing facility (convalescent hospital), with an adjacent parking lot. One driveway is depicted along Tyler Avenue for both ingress and egress. The site plan also depicts an emergency generator (located along the southern exterior of the maintenance/laundry building) and an unpermitted storage shed, which has recently been removed from the project site.

**EXISTING ZONING**

The subject property is zoned C-3 and A-1.

Surrounding properties are zoned as follows:

North: C-3 and A-1

South: C-3, A-1 and City of El Monte

East: R-1-6,000 (Single-Family Residence-6,000 sf minimum lot area)

West: A-1

**EXISTING LAND USES**

The subject property is developed with an existing skilled nursing facility (convalescent hospital).

Surrounding properties are developed as follows:

North: Single and Multi-Family Residential

South: Single-Family Residential and Light Industrial

East: Single-Family Residential

West: Single-Family Residential

**PREVIOUS CASES/ZONING HISTORY**

The project site has been maintained as a skilled nursing facility for 60 years. Based on staff's review of licensing information from the State of California Department of Public Health, the facility is operating under a valid license. The facility was built in 1956, prior to the County of Los Angeles Zoning Code requirement for a Conditional Use Permit to maintain a hospital within the C-3 zone. Pursuant to Section 22.08.080 of the County Code, a hospital means:

"any institution, place, building or agency licensed by the Departments of Public Health or Mental Hygiene of the state of California, which maintains and operates organized facilities for the diagnosis, care and treatment of human illness, including convalescence, and including care during and after pregnancy. "Hospital" includes sanitarium, sanatorium, convalescent home, nursing home and maternity home. Several building permits have been approved for the current skilled nursing facility use."

The portion of the subject property that was zoned C-3 is now located within the R-3 (Limited Density Multiple Residence) zone. The property was previously within the 1-Low Density Residential (1 to 6 du/ac) land use category of the Countywide Land Use Plan. It is now within the H30-Residential 30 land use category of the 2035 General Plan. Section 22.16.225.C of the County Code states, for applications pending prior to the 2015 General Plan Update, if a zone change or an amendment to the regulations of Title 22 occurred as a result of the 2015 General Plan Update, and an application for a project was complete as of the effective date of the 2015 General Plan Update:

If the applicant chooses to have the application subject to the zoning and regulations that were applicable to the project prior to the effective date of the 2015 General Plan Update:

- a. The application may be modified prior to consideration by the Hearing Officer, and still be subject to the previously applicable zoning and regulations so long as the requested modification does not:
  - i. Change the project's housing type;
  - ii. Increase the project's residential density;
  - iii. Increase the project's floor area or lot coverage for non-residential space;
  - iv. Increase the amount of grading for the project; or
  - v. Increase the area of ground disturbance resulting from the project.

The subject project meets all of the criteria set forth in Section 22.16.225.C, therefore the project is not subject to the amended zoning and regulations resulting from the 2015 General Plan Update.

#### **ENVIRONMENTAL DETERMINATION**

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The project involves the continued operation of an existing skilled nursing facility. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

#### **STAFF EVALUATION**

##### General Plan/Community Plan Consistency

The project site, which was previously located and reviewed under the 1-Low Density Residential (1 to 6 du/ac) land use category of the Countywide Land Use Plan, is consistent with the goals and policies of the Countywide Land Use Plan. The intent of this classification is to maintain the character of existing low density residential neighborhoods and also to provide additional areas to accommodate future market demand.

Within the generalized residential areas mapped, a variety of use types and intensities presently exist. Such uses typically include local commercial and industrial services, schools, churches, local parks and other community-serving public facilities. It is not the

intent of General Plan policy to preclude further development or expansion of such uses within areas depicted as residential on the Land Use Policy Map.

The following policies of the General Plan are applicable to the proposed project:

- *Protect the character of residential neighborhoods by preventing the intrusion of incompatible uses that would cause environmental degradation such as excessive noise, noxious fumes, glare, shadowing, and traffic.*

The existing facility has existed on the project site for 60 years. The site is surrounded by single and multi-family residential uses. The one-story, multi-room facility will not introduce a new use into the residential neighborhood and will maintain the residential character.

#### Zoning Ordinance and Development Standards Compliance

Pursuant to Section 22.28.220 of the County Code, establishments in the C-3 Zone are subject to the following development standards:

- That not to exceed 90 percent of the net area be occupied by buildings, with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers, and/or trees, which shall be continuously maintained in good condition. Incidental walkways, if needed, may be developed in the landscaped area. The project site has lot coverage of 32 percent and approximately 14 percent of the site is landscaped.
- Outside storage is permitted on the rear of a lot or parcel of land in Zone C-3 when such storage is strictly incidental to the permitted use existing in a building on the front portion of the same lot or parcel of land, and provided not storage is higher than the enclosure surrounding it nor nearer than 50 feet to the front property line. No outside storage is proposed as a part of the project.

Pursuant to Section 22.52.1120 of the County Code, every convalescent hospital shall have an amount of automobile parking spaces not less than the number of residents permitted by any license or permit which allows the maintenance of such facility. The facility is licensed for 59 residents and provides 60 parking spaces, including two ADA (Americans with Disabilities Act) compliant spaces. The project also provides one Type A (12x24') loading space as required pursuant to Section 22.52.1084 (A) of the County Code.

#### Site Visit

Staff conducted a site visit on March 30, 2016. The project site appeared to be in compliance with the project request.

#### Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.040 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

#### Neighborhood Impact/Land Use Compatibility

The project site has been maintained as a skilled nursing facility for 60 years. The facility was built in 1956, prior to the County of Los Angeles Zoning Code requirement

for a Conditional Use Permit to maintain a hospital within the C-3 zone. The multi-resident facility is compatible with surrounding multi-family uses within the surrounding community.

**COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

Staff received a letter from the County of Los Angeles Department of Public Health, Environmental Health Division, dated February 4, 2016. Based on the letter, Public Health recommends approval of this CUP with conditions.

Staff received a letter from the County of Los Angeles Department of Public Works, dated October 20, 2015. Based on the letter, Public Works recommends that the conditions shown, on the letter, be applied to the project if ultimately approved by the advisory agency.

**LEGAL NOTIFICATION AND PUBLIC OUTREACH**

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

**PUBLIC COMMENTS**

Staff has not received any comments from the public at this time.

**FEES/DEPOSITS**

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

**STAFF RECOMMENDATION**

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2015-01015-(5), Conditional Use Permit Number 201500045, subject to the attached conditions.

**I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.**

**I, THE HEARING OFFICER, APPROVE CONDITIONAL USE PERMIT NUMBER 201500045 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.**

Prepared by Michele Bush, Principal Planner, Zoning Permits East Section  
Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East Section

**Attachments:**

Draft Findings, Draft Conditions of Approval  
Applicant's Burden of Proof statement  
Correspondence  
Site Photographs, Aerial Image  
Site Plan, Land Use Map

**PROJECT NO. R2015-01015-(5)**  
**CONDITIONAL USE PERMIT NO. 201500045**

**STAFF ANALYSIS**  
**PAGE 5 OF 5**

**MM:MRB**  
**05/03/16**



**DRAFT FINDINGS OF THE HEARING OFFICER  
AND ORDER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2015-01015-(5)  
CONDITIONAL USE PERMIT NO. 201500045**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201500045 ("CUP") on May 3, 2016.
2. The permittee, 5101 Tyler Avenue, LLC ("permittee"), requests the CUP to authorize the continued maintenance and operation of an existing 59-bed skilled nursing facility (convalescent hospital) ("Project") on a property located at 11135 W. Hondo Parkway in the unincorporated community of South Monrovia Islands ("Project Site") in the C-3 (General Commercial), (all structures) and A-1 (Light Agricultural) (parking) zones pursuant to Los Angeles County Code ("County Code") section 22.28.210.
3. The Project Site is 1.22 acre in size and consists of one legal lot. The Project Site is irregular in shape with relatively flat topography and is developed with the existing skilled nursing facility.
4. The Project Site is located in the South Arcadia Zoned District and has been reviewed based on the requirements of the C-3 and A-1 zones.
5. The Project Site is located within the 1-Low Density Residential (1 to 6 du/ac) land use category of the Countywide Land Use Plan.
6. Surrounding Zoning within a 500-foot radius includes:
  - North: C-3 and A-1
  - South: C-3, A-1 and City of El Monte
  - East: R-1-6,000 (Single-Family Residence-6,000 sf minimum lot area)
  - West: A-1
7. Surrounding land uses within a 500-foot radius include:
  - North: Single and Multi-Family Residential
  - South: Single-Family Residential and Light Industrial
  - East: Single-Family Residential
  - West: Single-Family Residential
8. The project site has been maintained as a skilled nursing facility for 60 years. Based on staff's review of licensing information from the State of California Department of Public Health, the facility is operating under a valid license. The facility was built in 1956, prior to the County of Los Angeles Zoning Code requirement for a Conditional Use Permit to maintain a hospital within the C-3 zone. Pursuant to Section 22.08.080 of the County Code, a hospital means:

"any institution, place, building or agency licensed by the Departments of Public Health or Mental Hygiene of the state of California, which maintains and operates organized facilities for the diagnosis, care and treatment of human illness, including convalescence, and including care during and after pregnancy. "Hospital" includes sanitarium, sanatorium, convalescent home, nursing home and maternity home. Several building permits have been approved for the current skilled nursing facility use."

The portion of the subject property that was zoned C-3 is now located within the R-3 (Limited Density Multiple Residence) zone. The property was previously within the 1-Low Density Residential (1 to 6 du/ac) land use category of the Countywide Land Use Plan. It is now within the H30-Residential 30 land use category of the 2035 General Plan. Section 22.16.225.C of the County Code states, for applications pending prior to the 2015 General Plan Update, if a zone change or an amendment to the regulations of Title 22 occurred as a result of the 2015 General Plan Update, and an application for a project was complete as of the effective date of the 2015 General Plan Update:

If the applicant chooses to have the application subject to the zoning and regulations that were applicable to the project prior to the effective date of the 2015 General Plan Update:

- a. The application may be modified prior to consideration by the Hearing Officer, and still be subject to the previously applicable zoning and regulations so long as the requested modification does not:
  - i. Change the project's housing type;
  - ii. Increase the project's residential density;
  - iii. Increase the project's floor area or lot coverage for non-residential space;
  - iv. Increase the amount of grading for the project; or
  - v. Increase the area of ground disturbance resulting from the project.

The subject project meets all of the criteria set forth in Section 22.16.225.C, therefore the project is not subject to the amended zoning and regulations resulting from the 2015 General Plan Update.

9. The site plan for the Project depicts the Project Site with the existing 59-bed skilled nursing facility (convalescent hospital), with an adjacent parking lot. One driveway is depicted along Tyler Avenue for both ingress and egress. The site plan also depicts an emergency generator (located along the southern exterior of the maintenance/laundry building) and an unpermitted storage shed, which has recently been removed from the project site.
10. The Project contains a total of 27 rooms with 59 beds.
11. The Project Site is accessible via West Hondo Parkway and Tyler Avenue.

12. The Project provides 60 parking spaces including one loading and two accessible spaces. Pursuant to Section 22.52.1120.C of the County Code, 59 spaces are required.
13. Staff received a letter from the County of Los Angeles Department of Public Health, Environmental Health Division, dated February 4, 2016. Based on the letter, Public Health recommends approval of this CUP with conditions. Staff from the Toxics Epidemiology Program also recommended approval of the CUP with conditions.
14. Staff received a letter from the County of Los Angeles Department of Public Works, dated October 20, 2015. Based on the letter, Public Works recommends that the conditions shown, on the letter, be applied to the project if ultimately approved by the advisory agency.
15. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involved the continued use and maintenance of an existing skilled nursing facility (convalescent hospital).
16. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
17. Staff has not received any comments at this time.
18. *To be inserted after the public hearing to reflect hearing proceedings.*
19. The Hearing Officer finds that the Project, which was previously located and reviewed under the 1-Low Density Residential (1 to 6 du/ac) land use category of the Countywide Land Use Plan, is consistent with the goals and policies of the Countywide Land Use Plan. The intent of this classification is to maintain the character of existing low density residential neighborhoods and also to provide additional areas to accommodate future market demand.

Within the generalized residential areas mapped, a variety of use types and intensities presently exist. Such uses typically include local commercial and industrial services, schools, churches, local parks and other community-serving public facilities. It is not the intent of General Plan policy to preclude further development or expansion of such uses within areas depicted as residential on the Land Use Policy Map.

20. The Hearing Officer finds that the Project, which portions of were previously zoned and reviewed under the C-3 zone, is consistent with the Los Angeles County Zoning Code. Section 22.28.210 of the Code permits hospitals in the C-3 zone, provided a

conditional use permit has been obtained. Pursuant to Section 22.08.080 of the County Code, the term "hospital" includes convalescent homes.

21. The Hearing Officer finds that the Project will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. The structure is currently, and has been for the past 54 years, operated as a well established and prominent skilled nursing facility. The location of which benefits the local as well as surrounding community.
22. The Hearing Officer finds that the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area. The current facility's size and existing landscape and parking are designed in such a manner to support the current 59-bed skilled nursing facility.
23. The Hearing Officer finds that the proposed site is adequately served by highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required. The facility has sufficient access to and from the current location for all vehicular transportation visiting or servicing the facility.
24. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the conditional use permit to 30 years.
25. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of the South Monrovia Islands community. On March 1, 2016, a total of 395 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as eight notices to those on the courtesy mailing list for the South Arcadia Zoned District and to any additional interested parties.
26. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:**

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

**THEREFORE, THE HEARING OFFICER:**

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
- 2. Approves Conditional Use Permit 201500045, subject to the attached conditions.

**ACTION DATE: May 3, 2016**

MM:MRB  
05/03/16

c: Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2015-01015-(5)  
CONDITIONAL USE PERMIT NO. 201500045**

**PROJECT DESCRIPTION**

The project is a request to authorize the continued maintenance and operation of an existing 59-bed skilled nursing facility (convalescent hospital) subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to



bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on May 3, 2046.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a Non-Conforming Review or new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the existing 59-bed skilled nursing facility (convalescent hospital) and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$3,200.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund

provides for sixteen (16) biennial (one every other year) inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans



marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **July 5, 2016**.

18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

#### PROJECT SITE SPECIFIC CONDITIONS

19. This grant shall authorize the continued maintenance and operation of an existing 59-bed skilled nursing facility (convalescent hospital).
20. The permittee shall submit a landscape plan to Regional Planning, prior to final approval. All landscaping shall be maintained in a neat, clean and healthful condition throughout the life of this grant, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary. The landscaping shall be a minimum of ten (10) percent of the net area of the subject property.
21. Trash bins located on the project site shall be completely enclosed by a solid masonry wall and solid gate, fence or decorative wall, not less than five feet nor more than six feet in height. The permittee shall submit a plan detailing the trash enclosure to Regional Planning, prior to final approval.
22. All signage on the project site shall be permitted. If no permits have been obtained for the existing signage, the permittee shall obtain permits from the County of Los Angeles Department of Public Works, Building and Safety Division.
23. The permittee shall maintain a minimum of 59 parking spaces, including two ADA (Americans with Disabilities Act) compliant spaces and one Type A (12'x24') loading space. If the permittee changes the operation of property, so as to require less parking than the minimum requirement, the permittee shall submit an application for a Revised Exhibit "A" within 90 days of such occurrence.  
  
If the project site substantially changes its mode or character of operation or if the permittee changes the use or occupancy or otherwise modifies the subject property so as to require parking beyond the minimum requirement, the permittee shall submit an application for a minor parking deviation, parking permit, variance, or other applicable permit, as determined by the Director, within 90 days of such occurrence.
24. The facility shall remain connected to public water for its source of potable water.
25. The facility shall remain connected to public sewer.
26. The emergency generator, on-site, shall be maintained in good working order.

27. The emergency generator sound barrier shall be maintained in good working order and maintain seals and strips around the enclosure.
28. Generator test runs shall be restricted to between the hours of 9:00 a.m. to 5:00 p.m.
29. The permittee shall comply with all conditions set forth in the attached County of Los Angeles Department of Public Health letter dated February 4, 2016.
30. The permittee shall comply with all conditions set forth in the attached County of Los Angeles Department of Public Works letter dated October 20, 2015.

Attachments:

Public Health Department Letter dated February 4, 2016

Public Works Department Letter dated October 20, 2015



**CYNTHIA A. HARDING, M.P.H.**  
Interim Director

**JEFFREY D. GUNZENHAUSER, M.D., M.P.H.**  
Interim Health Officer

**ANGELO J. BELLOMO, REHS, QEP**  
Director of Environmental Health

**TERRI S. WILLIAMS, REHS**  
Assistant Director of Environmental Health

5050 Commerce Drive  
Baldwin Park, California 91706  
TEL (626) 430-5100 • FAX (626) 813-3000

[www.publichealth.lacounty.gov](http://www.publichealth.lacounty.gov)

**BOARD OF SUPERVISORS**

**Hilda Solis**  
First District

**Mark Ridley-Thomas**  
Second District

**Shella Kuehl**  
Third District

**Don Knabe**  
Fourth District

**Michael D. Antonovich**  
Fifth District

February 4, 2016

TO: Michele Bush  
Principal Regional Planning Assistant  
Department of Regional Planning

FROM: Michelle Tsiebos, REHS, DPA  
Environmental Health Division  
Department of Public Health

M.T.

SUBJECT: CUP Consultation  
PROJECT NO. R2015-01015/ CUP 201500045  
Temple City Convalescent Hospital  
5101 Tyler Avenue, Temple City

- ☒ Public Health recommends approval of this CUP.  
☐ Public Health does **NOT** recommend approval of this CUP.

The Department of Public Health-Environmental Health Division has reviewed the information provided for the project identified above. The CUP request is to authorize the continued use of the facility as a Skilled Nursing Facility.

The Department recommends approval of the CUP.

**Potable Water Supply**

The facility is in the jurisdiction of a municipal water company (Southern California Water Company). The facility shall remain connected to public water for its source of potable water. A proof of service has been submitted to this Department.

**Wastewater Disposal**

The facility is connected to public sewer. The facility shall remain connected to public sewer.

**Noise**

**Staff from Toxics Epidemiology Program recommends approval of the CUP.**

For questions regarding the above section, please contact Robert Vasquez or Evenor Masis at (213) 738-3220 or at [rvasquez@ph.lacounty.gov](mailto:rvasquez@ph.lacounty.gov) and [emasis@ph.lacounty.gov](mailto:emasis@ph.lacounty.gov).

For any other questions regarding this report, please feel free to contact me at (626) 430-5380 or [mtsiebos@ph.lacounty.gov](mailto:mtsiebos@ph.lacounty.gov).

**From:** Robert Vasquez  
**Sent:** Monday, February 01, 2016 3:24 PM  
**To:** Michelle Tsiebos; Michele Bush  
**Cc:** Evenor Masis; Robert Vasquez  
**Subject:** CUP Project R2015-01015 11135 W. Hondo Parkway Temple City

Hi Michelle & Michele,

Staff from our program conducted a follow-up noise assessment of the emergency generator located at the above location. The operator had installed sound barriers partially enclosing the generator. Staff measured noise levels with the generator running and with barriers in place and found that the project has met our recommendations or is in reasonable compliance with our noise standards at the time of the assessment. To ensure compliance thereafter and minimize noise disturbance, the following conditions are recommended:

1. Maintain the emergency generator in good working order.
2. Maintain the sound barrier in good working order and maintain seals and strips around the enclosure.
3. Restrict performing generator test runs to between 9am and 5pm.

We discussed the above items with the operator and they have no objections.

Thank You

Robert Vasquez, REHS  
Industrial Hygienist  
Toxics Epidemiology Program  
Environmental Health Division  
Department of Public Health, County of LA  
695 S. Vermont Ave, 14<sup>th</sup> Flr., South Tower  
Los Angeles, CA 90005  
(213) 738-3220  
Fax(213) 252-4503

**CONFIDENTIALITY STATEMENT**

This message and any attachments are from the Los Angeles County Department of Public Health, Toxics EPI Program and are confidential, privileged, and intended only for the recipient(s) as named above. Unauthorized disclosure, copying, distribution, or use of the contents of this transmission is strictly prohibited. If you received this message by mistake, please immediately notify the sender by reply e-mail and delete the message and attachments.



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

October 20, 2015

IN REPLY PLEASE  
REFER TO FILE LD-2

TO: Maria Masis  
Zoning Permits East Section  
Department of Regional Planning

Attention Michele Bush

FROM: Art Vander Vis  
Land Development Division  
Department of Public Works

**CONDITIONAL USE PERMIT (CUP) NO. 201500045**  
**PROJECT NO. R2015-01015**  
**5101 TYLER AVENUE / 11135 W RIO HONDO PARKWAY**  
**ASSESSOR'S MAP BOOK NO. 8574, PAGE NO. 14, PARCEL NO. 19**  
**UNINCORPORATED COUNTY AREA OF TEMPLE CITY**

Thank you for the opportunity to review the site plan and zoning permit application for the project located at 5101 Tyler Avenue/11135 W Rio Hondo Parkway in the unincorporated County area of Temple City. The applicant is requesting authorization for a CUP to allow the continued operation of a skilled nursing facility.

- ☒ Public Works recommends that the conditions shown below be applied to the project if ultimately approved by the advisory agency.
- ☐ Public Works has comments on the submitted documents and, therefore, a Public Hearing shall **NOT** be scheduled until the following comments have been addressed.

### Road

1. Continually maintain sight distance to the public right of way fronting the site at both driveways that service the property. There shall be no obstructions above 3.5 feet in height within a sight triangle (10 feet by 10 feet minimum) located adjacent to each driveway and behind the public right of way. The existing landscaping adjacent to both of the existing driveways shall be removed or trimmed to meet this condition.

Maria Masis  
October 20, 2015  
Page 2

If you have any questions or require additional information, please contact Mr. Ed Gerlits at (626) 458-4953 or [egerlits@dpw.lacounty.gov](mailto:egerlits@dpw.lacounty.gov).

ECG:tb

P:\dpub\SUBPCHECK\Plan Checking Files\CUP\CUP 201500045 - 5101 TYLER AVENUE\5101 Tyler Avenue.docx



Los Angeles County  
Department of Regional Planning  
*Planning for the Challenges Ahead*



## CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

*(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)*

**A. That the requested use at the location will not:**

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The building is currently and has been for the past 54 years operated as a well established and prominent skilled nursing facility. the location of which benefits the local community as well as the surrounding community.

**B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.**

The current facility building size, and existing hardscape and parking are designed in such a manor to support the current 59 bed skilled nursing facility.

**C. That the proposed site is adequately served:**

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

the facility has sufficient access to and from the current location for all vehicular transportation visiting or servicing the facility.

















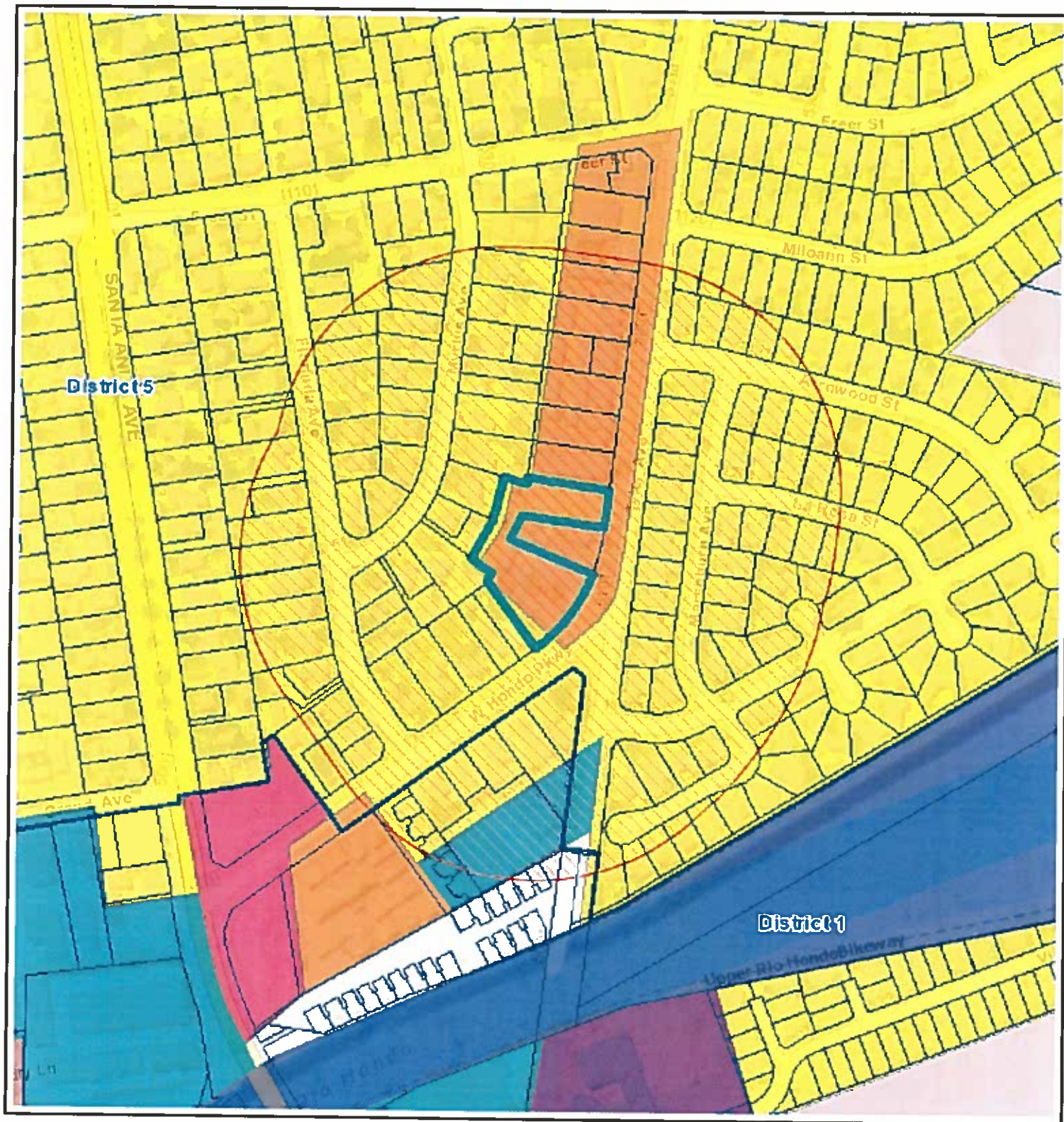












## Created in GIS-NET3

Printed: Mar 03, 2016



0 500  
Feet

Copyright 2013 - Los Angeles County Department of Regional Planning, GIS Section.

Note: This map represents a quick representation of spatial imagery or vector layers using GIS-NET3. The map should be interpreted in accordance with the GIS-NET3 Public disclaimer statement.

Printed with permission from the Los Angeles County Dept. of Regional Planning.

sf

light industrial

multi-family







**Created in GIS-NET3**

Printed: Apr 13, 2016



0 100  
Feet

Copyright 2013 - Los Angeles County Department of Regional Planning, GIS Section.

Note: This map represents a quick representation of spatial imagery or vector layers using GIS-NET3. The map should be interpreted in accordance with the GIS-NET3 Public disclaimer statement.

Printed with permission from the Los Angeles County Dept. of Regional Planning.

